

June 25, 2010
Kentucky Board of Dentistry
Legislative Committee Meeting

Draft Regulation: Board organization

Dr. Johnson made a motion to approve the Board organization section of the proposed regulations as amended today. Dr. King seconded the motion. All were in favor; none opposed.

Voting Committee members present were:

Kentucky Board of Dentistry
William Boggess, DMD
Susan King, DMD

Kentucky Dental Association
John L. Creech, DMD
Mike Johnson, DMD
Kevin Wall, DMD

Kentucky Dental Hygienist's Association
Donna Ruley, RDH
Donna Fogle, RDH

Kentucky Department for Public Health
Julie McKee, DMD

University of Kentucky College of Dentistry
Fonda Robinson, DMD

Board organization.

NECESSITY, FUNCTION, AND CONFORMITY: KRS XXX.XXX requires the board to establish procedures and processes for the board, committees and subcommittees. This administrative regulation establishes the organization and committee structure of the board.

Section 1. Vacancies for the position of dentist on the board shall be filled by candidates selected according to the following "geographic chart" with two (2) members representing Zone 1 and one (1) member each from Zone 2 to Zone 6, inclusive:

(1) Zone 1 - Louisville Area: Breckinridge, Bullitt, Carroll, Grayson, Hardin, Henry, Jefferson, Larue, Meade, Nelson, Oldham, Shelby, Spencer, and Trimble counties.

- (2) Zone 2 - Blue Grass Area: Anderson, Bath, Bourbon, Boyle, Clark, Estill, Fayette, Fleming, Franklin, Garrard, Harrison, Jackson, Jessamine, Lee, Lincoln, Madison, Menifee, Mercer, Montgomery, Nicholas, Owen, Powell, Rockcastle, Scott, and Woodford counties.
- (3) Zone 3 - Eastern and Northeastern Area: Boone, Boyd, Bracken, Campbell, Carter, Elliott, Gallatin, Grant, Greenup, Kenton, Lawrence, Lewis, Mason, Pendleton, Robertson, and Rowan counties.
- (4) Zone 4 - Kentucky Mountain, Southeastern and South Central Area: Adair, Bell, Breathitt, Casey, Clay, Clinton, Cumberland, Floyd, Green, Harlan, Johnson, Knott, Knox, Laurel, Leslie, Letcher, Magoffin, Marion, Martin, McCreary, Metcalfe, Monroe, Morgan, Owsley, Perry, Pike, Pulaski, Russell, Taylor, Washington, Wayne, Whitley, and Wolfe counties.
- (5) Zone 5 - Green River and Pennyryle Area: Allen, Barren, Butler, Daviess, Edmonson, Hancock, Hart, Henderson, Logan, McLean, Ohio, Simpson, and Warren counties.
- (6) Zone 6 - Southwestern and West Central Area: Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, Muhlenberg, Todd, Trigg, Union, and Webster counties.

Section 2. Vacancies for the position of dental hygienist on the board shall be filled by candidates selected according to the following "geographic chart" with one member being selected from each of the zones as defined below:

- (1) Zone 1 - East: Adair, Anderson, Bath, Bell, Boone, Bourbon, Boyd, Boyle, Bracken, Breathitt, Campbell, Carter, Casey, Clark, Clay, Clinton, Cumberland, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Green, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Larue, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Marion, Martin, Mason, McCreary, Menifee, Mercer, Metcalfe, Monroe, Montgomery, Morgan, Nelson, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Russell, Scott, Taylor, Washington, Wayne, Whitley, Wolfe, and Woodford counties.
- (2) Zone 2 - West: Allen, Ballard, Barren, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Grayson, Hancock, Hardin, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Meade, Muhlenberg, Ohio, Oldham, Shelby, Simpson, Spencer, Todd, Trigg, Trimble, Union, Warren, and Webster counties.

Section 3. The board shall notify each licensed dentist and hygienist of the upcoming elections and the need for nominations at least sixty (60) ~~thirty (30)~~ days prior to the nomination deadline by publishing the notice of election on the website of the board, electronic communications with the respective associations, and or in written communication to all resident licensees. The notice of elections shall include the steps to nominate someone for an open position, the date nominations will cease, the date the election will be held, and the manner in which the elections will be held.

Section 4. Nominations shall be sent to the office of the board at least fifteen (15) days prior to the election in order that the candidates may consent or decline their nominations before the election. Nominations received after the fifteen (15) day deadline will not be accepted.

Section 5. Appointment of Committee Members and Committee Chairpersons.

- (1) The chairpersons and members of a standing committee of the board shall be appointed by the board.
- (2) A task force may be created:
 - (a) At the request of any board member subject to a majority vote of the board members; or
 - (b) At the discretion of the board president.
- (3) Chairpersons and members of a task force created under Subsection (2)(a) of this section shall be appointed by a majority vote of the board members. Chairpersons and members of a task force created under Subsection (2)(b) of this section shall be appointed by the president.
- (4) Staff members of the office of the board may serve as non-voting ex officio members of any committee, standing committee, or task force created under KRS Chapter XXX or the administrative regulations promulgated thereunder. ~~The executive director shall may serve as an ex officio member to each standing committee. The president may also appoint other board office staff members to serve as ex officio members to a standing committee. Staff members shall not have the right to vote.~~
- (5) Standing committee members shall have a term which expires September 30 of each calendar year. ~~Reappointments for subsequent terms may be made by the president of the board anytime after September 1 and before September 30.~~ All reappointments shall be made by the board no later than September 30.
- (6) Only a standing committee or task force chairperson or vice-chairperson in the absence of the chairperson may bring reports or recommendations before the board for action. All reports to the board shall be submitted in written format.
- (7) A task force shall cease to exist at the close of its work. A member of a task force shall not serve for a period of more than one (1) year without reappointment. A task force shall serve at the pleasure of the board. A task force may be dissolved at any time by a majority vote of the board members. ~~The board president may dissolve a task force at any time including prior to the completion of an assigned task, subject to a majority vote of board members.~~
- (8) When a task force is created, the board president shall give a specific written charge to the task force with guidelines, as appropriate. The board president may establish a reporting deadline for the completion of the specific written charge.
- (9) Task force members other than sitting board members shall serve without compensation.

Section 6. Standing Committees of the Board.

- (1) Executive Committee. The executive committee shall:
 - (a) Address legislative issues and proposals and review administrative regulations for submission to the board including recommending to the board the promulgation of administrative regulations, amendment of administrative regulations, or repeal of administrative regulations relating to:
 1. All levels of personnel licensed, certified, or registered by the board; and
 2. Rules and operating procedures for the board and each of its standing committees and task forces;
 - (b) Serve as a resource for board staff:

1. With creating and recommending to the board a biennial budget for the board prior to submission to appropriate state agencies;
2. With identifying, developing and recommending to the board sources of funding for its programs; and
- (c) Make recommendations to the board regarding fees to be charged by the board.
- (2) Credentials Committee. The credentials committee shall review the credentials of individuals applying for licensure as a dentist or dental hygienist and make recommendations for acceptance or denial to the full board based on requirements set forth by administrative regulation promulgated by the board.
- (3) Law Enforcement Committee. The law enforcement committee shall be involved with the disciplinary actions of individuals licensed or registered by the board pursuant to KRS XXX.XXX. Members of this committee shall sign a confidentiality agreement with the board and be subject to disciplinary action of the full board if found to violate this agreement.

Section 7. Agendas.

- (1) A person desiring a matter to be placed on the agenda for a regular board meeting shall, not less than twenty (20) working days prior to the board meeting, submit a written request to the executive director.
- (2) The request shall contain the following information:
 - (a) The matter requested to be placed before the board;
 - (b) The action desired on the matter;
 - (c) Documentation in support of the request;
 - (d) The name, address, telephone number, and other contact methods as may be necessary to contact the person or organization submitting the request; and
 - (e) The name, address, telephone number, and other contact methods as may be necessary to contact each person requesting to speak on behalf of the request at the board meeting.
- (3) Not less than seven (7) working days prior to the board meeting, the president of the board shall set the agenda and cause its publication on the board's website and in writing. Written copies of the agenda may be obtained from the executive director after it is public. The board may charge a reasonable fee for the provision of an agenda by mail, fax, or in hard copy. Following publication, the agenda shall be available for inspection at the office of the board.
- (4) The submission of a request for a matter to be placed on the agenda at a regular board meeting shall not guarantee the matter will be placed on the agenda, or the sequential order of a matter approved for the agenda on the agenda.
- (5) The board shall adhere to the published agenda at a regular board meeting, unless the board takes action to amend the agenda.

Section 8. Quorum.

- (1) The board shall transact business so long as it has convened with a quorum present. ~~A quorum shall be presumed present until a question of "no quorum" is raised or the absence of a quorum is disclosed by vote of the members present.~~
- (2) A simple majority of appointed members shall constitute a quorum for standing committee and task force committee meetings.

Section 9. Voting.

(1) Voting shall be accomplished by one (1) of the following methods:

- (a) Voice vote;
- (b) A show of hands; or
- (c) A roll call vote.

(2) In order for the board to take action on a routine matter, other than those set forth in subsection (3) of this section of this administrative regulation, a majority of board members present shall have agreed to the action.

(3) In order for the board to take action on the following matters, a supermajority of the eight (8) members of the board shall have agreed to the action:

- (a) Promulgate, amend, or repeal an administrative regulation;
 - (b) Appoint, direct, or hire by personal service contract the executive director or general counsel;
 - (c) Discipline or action regarding statutory employees;
 - (d) Initiate a legal action on behalf of the board;
 - (e) Hire outside legal counsel to defend the board in a legal action against the board, a member of the board acting in their official capacity, or an employee of the board acting in their official capacity, or for other specified purpose;
 - (f) Adopt a proposed budget for the board;
 - (g) Authorize the expenditure of more than \$10,000, unless the amount is a routine budgeted expenditure;
 - (h) Take action on an item added to the agenda of the board at the same meeting at which the item is added to the agenda of the board; or
 - (i) Take an action at an emergency meeting of the board.
- (4) A supermajority of the members present at a meeting shall be required in order for the board to approve or deny an application for licensure by credentials.

Section 10. Attendance of Board Staff and Employees at a Board Meeting.

(1) The following staff of the board shall attend each board meeting, unless excused in writing by the president of the board or excused from the meeting by action of the board:

- (a) Executive director; and
- (b) General counsel.

(2) An employee of the board, other than one (1) specified in subsection (1) of this section shall attend a meeting of the board if requested to do so by the president of the board or the executive director.

(3) An employee of the board, other than one specified in subsection (1) of this section may attend a meeting of the board as part of their state duty time with the permission of the president of the board or the executive director.